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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,599	01/26/2001	Eric Neil Miller	0370-1-1	6893

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JASON A. BERNSTEIN
POWELL, GOLDSTEIN, FRAZER & MURPHY LLP
16TH FLOOR
191 PEACHTREE STREET, NE
ATLANTA, GA 30303-1736

EXAMINER

NGUYEN, TAN D

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

KB

Office Action Summary	Application No. 09/770,599	Applicant(s) MILLER ET AL.	
	Examiner Tan Dean D. Nguyen	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/21/04 has been entered.

Response to Amendment

The amendment filed 7/21/2004 have been entered.

Response to Arguments

2. Applicant's arguments filed 7/21//27/04 have been fully considered and the Affidavit or Declaration Under 37 CFR 1.131 are persuasive and the rejections of claims 1-2 under 35 U.S.C. 102(b) as being described in a website (www.donate.net) in this country or in public use in this country, more than one year (Dec. 12, 1998 or Jan. 25, 1999) prior to the date of application for patent in the United States (Feb. 1, 2000) are canceled.

Claim Rejections - 35 USC § 112

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "Object" and in combinations with many elements with capital letters "Donor Experience" which are vague and indefinite. No capital letters are allowed in the body of the claim except

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conventional term, i.e. "Internet". Changing each element to lower letter with the term "object-oriented program module" such as "donor experience object-oriented program module" is recommended to improve clarity and overcome the rejection. This is also in response to the applicant's response of 1/27/2004 in which the term "object" refers to "object-oriented programming of software systems".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2, 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over ARTICLE 11/1999 (R¹) in view of MOLBAK ET AL (R²) or further in view of KOREEDA or KOLLING ET AL.**

As for Independent method claim 2, ARTICLE 11/1999 (R¹) fairly discloses a method for supporting special project/campaign by the charity's organization and providing charitable donation management and reporting, the method providing a commercial website (www.WingspanBank.com) in communication (or linking) to a charitable organization's Internet **website** (www.toysfortots.org), comprising the steps of:

- a) a donation step to the charity organization,
- b) displaying a selected asset (toys) for purchase,

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c) displaying donation level (50% off the regular retail price) in concert with the selected asset to the donor,

d) purchasing the selected asset responsive to the display of the selected donation level,

f) displaying selective payment information (credit card), and

i) hyperlinking to the charitable organization's website (see abstract).

As for the further limitation of requesting a donation in (a), this would have been obvious in view of the general teaching of ARTICLE 11/1999 which discloses several suggestions for giving such as "In the spirit of holiday giving", "facilitating program to facilitate the donation where consumers can donate...", "will point consumers to the eToys web site where they can make the purchase". Therefore, it would have been obvious to receive a request from the donor to make a donation in response to the request by WingspanBank.com above.

As for the further limitation of display of both the purchase request and donation request in concert in (c), ARTICLE 11/1999 appears to disclose the display of the purchase and donation steps in succession. Alternatively, since it's well known displaying transaction details improves transaction clarity and efficiency such as saving time and improving record keeping or report and minimizing errors, it would have been obvious to a person of ordinary skill to disclose the display of the purchase and donation steps in concert to complete the transaction of purchasing and donation in one transaction.

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As for step (e) and (g), these are inherently included in the teaching of ARTICLE 11/1999 to properly deliver the toy to desired recipient and completing the payment step using credit card. Note also that steps (e) – (g) are conventional on online payment system using credit card and would have been obvious to an ordinary skill to apply these steps.

Therefore, ARTICLE 11/1999 fairly teaches the claimed invention except for step (h) or the new amended language submitted in the current RCE.

In a similar method for charitable donation management and reporting, MOLBAK ET AL (R²) discloses the step of managing the donation by collecting and outputting selected information or report or document dealing with the donation for the well known purpose of preparing tax return record for tax reduction such as date, amount of transaction and donation, federal employer ID number of the charitable organization, etc. (see col. 2, lines 1-5 (or C2:L1-5), C2:L43-47, C5:L8-21, C8:L15-55 or C10:8-25). It would have been obvious to modify the teachings of ARTICLE 11/1999 by setting up step (h) for collecting transactional data such as amount of donation and purchase transaction for the well known purpose of reporting of documentation for tax return record as taught by MOLBAK ET AL above. As for the limitation of carrying out step (h) via a charitable organization's website, it's well known that the a charitable organization normally prepares and sends out the report of donation to ensure proper record and validity, therefore, it would have been obvious for the charitable organization's website to carry out this function or to do so.

KOREEDA or KOLLING ET AL is cited to teach conventional steps or system for online shopping and payment method and system (see KOREEDA Fig. 2, 3, 8, 9A, 14-17 or KOLLING ET AL (Figs. 11, 12, 14). It would have been obvious to modify ARTICLE 11/1999 (R1) / MOLBAK ET AL (R2) to include steps (e)-(g) as taught by KOREEDA or KOLLING ET AL to complete online payment and product delivery accurately, securely and safely.

6. **As for Independent apparatus claim 1**, these are merely equivalent program modules (Object-oriented programming of software systems) to carry out the steps of Independent method claim 2 above and is therefore rejected over the inherently included program modules to carry out the steps of ARTICLE 11/1999 in view of MOLBAK ET AL alone or further in view of KOREEDA or KOLLING ET AL. Alternatively, the setting up of correspondent structure or software programming system to carry out the donation steps/ideas on the website as shown on claim 2 above would have been obvious to a skilled artisan.

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7. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiner. As the official records and applications are located in the clerical section of the examining Tech Center, the clerical personnel can readily provide status information without contacting the examiner. See MPEP 203.08. The Tech Center clerical receptionist number is (703) 308-1113 or

PAIR system at 866-217-9197 (toll-free) or <http://pair-direct.uspto.gov>.

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (703) 306-5771, or e-mail CustomerService3600@uspto.gov.

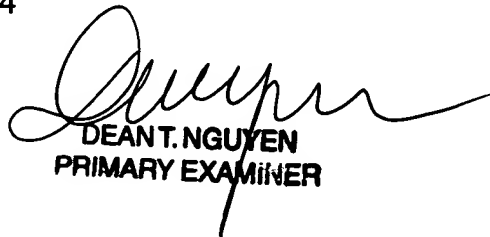
Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (703) 308-2053. My work schedule is normally Monday through Friday from 7:00 am through 4:30 pm.

Should I be unavailable during my normal working hours, my supervisor John Weiss may be reached at (703) 308-2702. The FAX phone numbers for formal communications concerning this application are (703) 872-9306. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

Other possibly helpful telephone numbers are:

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/ 8335
Fee Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
Petitions/Special Programs	(703) 305-9282
Terminal Disclaimers	(703) 305-8408
Information Help Line	1-800-786-9199

dtn
August 23, 2004


DEAN T. NGUYEN
PRIMARY EXAMINER